

110TH CONGRESS
1ST SESSION

S. 333

To provide for the acknowledgment of the Lumbee Tribe of North Carolina,
and for other purposes.

IN THE SENATE OF THE UNITED STATES

JANUARY 18, 2007

Mrs. DOLE (for herself, Mr. BURR, Mr. INOUE, and Ms. MIKULSKI) introduced the following bill; which was read twice and referred to the Committee on Indian Affairs

A BILL

To provide for the acknowledgment of the Lumbee Tribe
of North Carolina, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Lumbee Recognition
5 Act”.

6 **SEC. 2. PREAMBLE.**

7 The preamble to the Act of June 7, 1956 (70 Stat.
8 254), is amended—

9 (1) by striking “and” at the end of each clause;

1 (2) by striking “: Now, therefore,” at the end
2 of the last clause and inserting a semicolon; and

3 (3) by adding at the end the following:

4 “Whereas the Lumbee Indians of Robeson and ad-
5 joining counties in North Carolina are descendants of
6 coastal North Carolina Indian tribes, principally Cheraw,
7 and have remained a distinct Indian community since the
8 time of contact with white settlers;

9 “Whereas since 1885 the State of North Carolina has
10 recognized the Lumbee Indians as an Indian tribe;

11 “Whereas in 1956 the Congress of the United States
12 acknowledged the Lumbee Indians as an Indian tribe, but
13 withheld from the Lumbee Tribe the benefits, privileges
14 and immunities to which the Tribe and its members other-
15 wise would have been entitled by virtue of the Tribe’s sta-
16 tus as a federally recognized Indian tribe; and

17 “Whereas the Congress finds that the Lumbee Indi-
18 ans should now be entitled to full Federal recognition of
19 their status as an Indian tribe and that the benefits, privi-
20 leges and immunities that accompany such status should
21 be accorded to the Lumbee Tribe: Now, therefore,”.

22 **SEC. 3. FEDERAL RECOGNITION.**

23 The Act of June 7, 1956 (70 Stat. 254), is amend-
24 ed—

1 (1) by striking the last sentence of the first sec-
 2 tion; and

3 (2) by striking section 2 and inserting the fol-
 4 lowing:

5 **“SEC. 2. RECOGNITION.**

6 “(a) IN GENERAL.—Federal recognition is extended
 7 to the Lumbee Tribe of North Carolina. All laws and regu-
 8 lations of the United States of general application to Indi-
 9 ans and Indian tribes shall apply to the Lumbee Tribe
 10 of North Carolina and its members.

11 “(b) PETITION.—Notwithstanding the first section,
 12 any group of Indians in Robeson and adjoining counties,
 13 North Carolina, whose members are not enrolled in the
 14 Lumbee Tribe of North Carolina as determined under sec-
 15 tion 3(c), may petition under part 83 of title 25, Code
 16 of Federal Regulations (or any successor regulation) for
 17 acknowledgment of tribal existence.

18 **“SEC. 3. ELIGIBILITY FOR SERVICES AND BENEFITS.**

19 “(a) IN GENERAL.—

20 “(1) SERVICES AND BENEFITS.—The Lumbee
 21 Tribe of North Carolina and its members shall be el-
 22 igible for all services and benefits provided to Indi-
 23 ans because of their status as members of a feder-
 24 ally recognized Indian tribe.

1 “(2) RESIDENCE ON OR NEAR RESERVATION.—

2 For the purposes of the delivery of such services,
3 members of the Tribe residing in Robeson, Cum-
4 berland, Hoke, and Scotland counties in North Caro-
5 lina shall be deemed to be residing on or near an In-
6 dian reservation.

7 “(b) DETERMINATION OF NEEDS AND BUDGET.—

8 “(1) IN GENERAL.—On verification by the Sec-
9 retary of the Interior of a tribal roll under sub-
10 section (c), the Secretary of the Interior and the
11 Secretary of Health and Human Services shall de-
12 velop, in consultation with the Lumbee Tribe of
13 North Carolina, a determination of needs and budg-
14 et to provide the services to which members of the
15 Tribe are eligible.

16 “(2) INCLUSION IN BUDGET REQUEST.—The
17 Secretary of the Interior and the Secretary of
18 Health and Human Services shall each submit a
19 written statement of those needs and a budget with
20 the first budget request submitted to Congress after
21 the fiscal year in which the tribal roll is verified.

22 “(c) TRIBAL ROLL.—

23 “(1) IN GENERAL.—For purposes of the deliv-
24 ery of Federal services, the tribal roll in effect on
25 the date of enactment of this section shall, subject

1 to verification by the Secretary of the Interior, de-
 2 fine the service population of the Tribe.

3 “(2) VERIFICATION.—The Secretary’s
 4 verification shall be limited to confirming compliance
 5 with the membership criteria set out in the Tribe’s
 6 constitution adopted on November 11, 2000, which
 7 verification shall be completed not less than 1 year
 8 after the date of enactment of this section.

9 **“SEC. 4. FEE LAND.**

10 “Fee land that the Tribe seeks to convey to the
 11 United States to be held in trust shall be treated by the
 12 Secretary of the Interior as on-reservation trust acquisi-
 13 tions under part 151 of title 25 Code of Federal Regula-
 14 tions (or any successor regulation) if the land is located
 15 within Robeson County, North Carolina.

16 **“SEC. 5. STATE JURISDICTION.**

17 “(a) IN GENERAL.—The State of North Carolina
 18 shall exercise jurisdiction over—

19 “(1) all criminal offenses that are committed
 20 on; and

21 “(2) all civil actions that arise on;
 22 land located within the state of North Carolina that is
 23 owned by, or held in trust by the United States for, the
 24 Lumbee Tribe of North Carolina, or any dependent Indian
 25 community of the Lumbee Tribe of North Carolina.

1 “(b) TRANSFER.—

2 “(1) IN GENERAL.—The Secretary of the Inte-
 3 rior may accept on behalf of the United States, after
 4 consulting with the Attorney General of the United
 5 States, any transfer by the State of North Carolina
 6 to the United States of any portion of the jurisdic-
 7 tion of the State of North Carolina described in
 8 paragraph (1) under an agreement between the
 9 Lumbee Tribe and the State of North Carolina.

10 “(2) EFFECTIVE DATE.—A transfer of jurisdic-
 11 tion under paragraph (1) shall not take effect until
 12 2 years after the effective date of the agreement.

13 “(c) EFFECT OF SECTION.—This section shall not af-
 14 fect the application of section 109 of the Indian Child Wel-
 15 fare Act of 1978 (25 U.S.C. 1919).

16 **“SEC. 6. AUTHORIZATION OF APPROPRIATIONS.**

17 “There are authorized to be appropriated such sums
 18 as are necessary to carry out this Act.”.

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